

REMARKS

The Restriction Requirement

The Examiner has required restriction under 35 U.S.C. 121 and 372 as the application allegedly contains inventions or groups of inventions which are not so linked as to form a single general inventive concept. The Examiner has restricted the claims to 20 different groups and has argued that the invention of Group I (Claims 1 and 3-7 drawn to nucleic acid molecules encoding CRP1, host cells comprising the nucleic acid, and a process for producing the polypeptide by using the host cells) has no special technical feature that distinguishes it over the disclosure of US published application no. 20020164697. In particular, the Examiner alleges that SEQ ID NO:9 of US 20020164697 is identical to SEQ ID NO:1 of Claim 1 and therefore anticipates Claim 1.

Applicant does not concede that the Examiner's argument is correct and, even if correct, the Examiner has at most only argued for a lack of unity between claims directed to CRP1 and claims directed to B7RP1. No justification has been presented for restricting claims directed to, for example, B7RP1 nucleic acids, polypeptides, compositions, antibodies, fusion polypeptides, and uses thereof, into separate groups. Applicant maintains that the restriction of such claims is inappropriate and should be withdrawn.

Applicant elects with traverse the invention of Group VI, Claims 13-18, drawn to antibodies to B7RP1. Applicant acknowledges that should the restriction requirement be made final, Claims 1-12 and 19-31 will be withdrawn from further consideration by the Examiner.

Species Election

The Examiner has required a species election in the event that any of Groups III, IV, IX, X, XI, XII, XIX or XX is elected. As Applicant has presently elected with traverse Group VI, Claims 13-18, the requirement for species election is moot.

The Claims

Claims 13-18 have been elected with traverse. Claim 13 has been amended to no longer depend from non-elected claims. Claim 14 has been amended to be dependent from Claim 13 rather than from (non-elected) Claim 11. New claim 32 has been added. The new claim and amendments do not introduce new matter or raise new issues requiring further consideration and/or search. Entry of the new claims and amendments is requested.

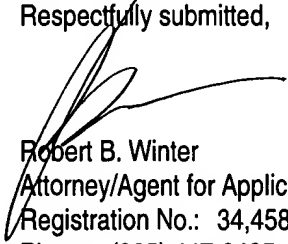
In the Detailed Action at paragraph 2, the Examiner has objected to certain claims that do not appear to recite correct dependencies. The objection may be withdrawn as the claims noted by the Examiner are either non-elected or have been amended to correct dependency.

CONCLUSION

Claims 13-18 and 32 are in condition for allowance and an early notice thereof is solicited.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 01-0519.

Respectfully submitted,


Robert B. Winter
Attorney/Agent for Applicant(s)
Registration No.: 34,458
Phone: (805) 447-2425
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Please send all future correspondence to:
US Patent Operations/RBW
Dept. 4300, M/S 27-4-A
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, California 91320-1799